

To: "Samantha Olson" [SOlson@waterboards.ca.gov]
Cc: []
Bcc: []
From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Mon 2/7/2011 7:25:53 PM
Subject: Re: 401 cert for incidental take permits?

Thanks, I'll talk to Andy.

From: "Samantha Olson" <SOlson@waterboards.ca.gov>
To: Tom Hagler/R9/USEPA/US@EPA
Cc: "Andy Sawyer" <ASawyer@waterboards.ca.gov>
Date: 02/07/2011 11:23 AM
Subject: Re: 401 cert for incidental take permits?

Tom, I am copying Andy Sawyer, Assistant Chief Counsel on this Reply. I have not heard of a 401 on a take permit, but he may have. In my opinion, there are a lot of other projects that require federal permits and licenses overlooked by the 401 program that could be greatly improved with state input.

Samantha Olson,
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>>> <Hagler.Tom@epamail.epa.gov> 2/7/2011 11:16 AM >>>
I'm vaguely thinking that you are a 401 cert guru (in addition to everything else). Do you know, off the top of your head, whether the Board claims to have a 401 cert action point when FWS/NMFS issue an ESA "incidental take permit"? (As in, the Bay Delta BDCP).

If you don't know, do you have a favorite person at the Board(s) who might have thought about that issue?